

### **REMARKS**

Claims 1 – 21 and 23 - 26 are pending. By this amendment, the specification and claim 9 are amended. The specification is amended to correct the Related Applications section. No new matter is introduced. Reconsideration and allowance of the claims are respectfully requested.

#### **Objection to the Specification**

On page 2 the Office Action asserts that the application does not comply with the requirements for receiving the benefit of an earlier filing date. The specification is amended.

#### **Rejections Under 35 U.S.C. § 103**

On page 3 the Office Action rejects claims 1 – 21 and 23 - 25 over U.S. Patent 5,631,693 to Wunderlich et al. (hereafter Wunderlich) in view of U.S. Patent 5,818,511 to Farry et al. (hereafter Farry) and further in view of U.S. Patent 5,357,276 to Banker et al. (hereafter Banker). This rejection is respectfully traversed.

#### **Claim 1**

Regarding claim 1, the Office Action asserts that Wunderlich discloses the claimed receiver, network manager, and file server, but admits that Wunderlich does not disclose an authorization component that transmits a first authorization code to enable set top terminals to receive a requested program, a second authorization code to descramble a scrambled program and a preview channel. The Office Action then asserts that Farry discloses transmission of a notification signal for the advantage of authorizing service to a subscriber and that Banker discloses use of a preview channel, transmitting scrambled programs, and transmitting authorization codes from a system manager to set top terminals for descrambling scrambled programs. The Office Action concludes that it would have been obvious to one of ordinary skill in the art to modify Wunderlich according to Farry and Banker to meet the claimed invention.

Wunderlich is directed to on-demand video, audio, and data services. Wunderlich primarily discloses methods and mechanisms to compress and decompress, and to scramble and descramble, programs provided by the services. At column 9, Wunderlich discloses that video programs may be assigned to and viewed on specific demand channels:

The requesting subscriber is addressed, notified of the assigned channel, and authorized to view the program channel assigned for the duration of the program, providing an unused on demand channel is found by the on demand controller 51. Otherwise, the on demand controller 51 will address the subscriber and send him the message that all on demand channels are presently in use and

notify him of the next open block of time which he can request. Standard authorization and control signals are used for this process which are compatible with those used for the premium channels of the scheduled programming.

*See column 9, lines 16 – 26.*

Wunderlich also discloses a near video on demand aspect of the services:

For a near video on demand feature, the controller 51 would cause the playback of a particular program sequentially on a particular channel, and the same playback sequence offset in subintervals of the program duration on one or more other channels. In this type of system, an authorized subscriber would have to wait at the most one of the offset subintervals to view the particular program.

*See column 9, lines 61 – 67.*

Wunderlich does not disclose or suggest use of previews or preview channels in conjunction with providing these on-demand services. Also note that Wunderlich's system and method matches a single subscriber with a single on-demand channel. See column 9, lines 16-19 ("the requesting subscriber is... notified of the assigned channel... providing an unused on demand channel is found...") Thus, Wunderlich does not disclose or suggest grouping multiple subscribers on one on-demand channel.

Farry is directed to a digital communications network that provides a full range of services including video on demand. Farry does not disclose or suggest use of an authorization code to enable a set top terminal to tune to a specific preview channel.

Banker is directed to an on-demand television service. Banker does not disclose or suggest use of an authorization code to enable a set top terminal to tune to a specific preview channel or preview.

Because Wunderlich, Farry, and Banker individually do not disclose or suggest use of an authorization code to tune to a specific preview channel, the combination of these three references also does not disclose or suggest use of an authorization code to enable a set top terminal to tune to a specific preview channel or preview.

In contrast to Wunderlich, Farry, and Banker, claim 1 recites a first authorization code to enable a set top terminal to tune to a specific preview channel. As noted above this feature is not taught or suggested by Wunderlich, Farry, and Banker, individually and in combination. Accordingly, claim 1 is patentable.

### **Claim 3**

Regarding claim 3, the Office Action, referring to column 9, lines 15-25, asserts that “Wunderlich discloses a network manager (51) that comprises a processor having control software that groups the program requests ... users that request a channel when all on-demand channels are in use [have their] requests ... grouped by providing users a next open block of time...” Applicants disagree with the Office Action’s characterization of this part of Wunderlich. Note that at column 9, lines 5 – 12, Wunderlich states “at the time requested by the subscriber ... [t]he on demand processor 51 assigns a playback processor 54 whose output channel is not in use at the time of the program.” At column 3, lines 11 – 20, Wunderlich states:

According to the invention, an on demand services feature for a subscriber system comprises a headend coupled to a distribution network serving a multiplicity of subscribers in a geographically contiguous area. Each subscriber receives a plurality of common standard channels having scheduled programming, and a group of individualized services from on demand channels. In this manner, the carrier frequencies of the scheduled channels and on demand channels can be frequency division multiplexed into an effective subscriber system.

At column 3, lines 37 – 45, Wunderlich states:

The demand processor also comprises a plurality of output processors and an on demand controller which receives demands for the program files stored on the file server from the subscribers and retrieves the particular program requested from the memory. The on demand controller then routes the program file to an output processor which is not in use. The selected output processor converts the program file to an analog format which can then be modulated on a carrier and broadcast to the particular subscriber demanding the program.

Applicants contend that the above cited sections of Wunderlich clearly illustrate that what is disclosed is an on demand system in which individual subscribers receive requested programs over a dedicated channel, and that only one subscriber receives the requested program over that channel. What Wunderlich discloses, use of a dedicated on demand channel for each subscriber, does not require grouping. Simply put, Wunderlich does not disclose or suggest grouping. Nor does Wunderlich disclose or suggest grouping or counting requests for a requested program. Furthermore, Farry and Banker also do not disclose or suggest grouping or counting program requests.

In contrast to Wunderlich, Farry, and Banker, individually and in combination, claim 3 recites a processor that comprises control software to compile, group, or count program requests. Since these features are not taught by Wunderlich, Farry and Block, individually and in combination, claim 3 is patentable. In addition, claim 3 is patentable because of its dependence on patentable claim 1.

#### **Claim 4**

Claim 4 recites a timer, “wherein the network manager monitors program requests for a same program within a time period set by the timer, and wherein set top terminals requesting the same program within the time period receive the requested same program.” This feature is not disclosed or suggested by Wunderlich, Farry and Banker, individually and in combination. Accordingly, claim 4 is patentable. Claim 4 is also patentable because of its dependence on patentable claim 1.

#### **Claims 2 and 5 – 8**

Claims 2 and 5 – 8 depend from patentable claim 1, and for this reason and the additional features they recite, claims 2 and 5 – 8 are also patentable.

#### **Claim 9**

Regarding claim 9, the Office Action states that “Claim 9 is met by the combined systems of Wunderlich, Farry and Banker as described in the rejections of claims 3 and 8.

As noted above with respect to the rejection of claim 3, Wunderlich, Farry and Banker, individually and in combination, do not disclose or suggest a processor having control software “to compile, group or count said program requests.” Accordingly, claim 9 is patentable.

#### **Claim 10**

Regarding claim 10, the Office Action asserts that claim 10 is met by the combined systems of Wunderlich and Farry.

As noted above, Wunderlich and Farry do not disclose or suggest use of an authorization code to enable set top terminals to tune to a preview. In contrast to Wunderlich and Farry (and Banker), claim 10 recites “a file server, connected to said authorization component, capable of receiving a first authorization code to enable set top terminals to tune to a preview and to enable delivery of a requested program.” Since this feature is not taught or suggested by Wunderlich and Farry, individually and in combination, claim 10 is patentable.

#### **Claim 17**

Regarding claim 17, the Office Action asserts that claim 10 is met by the combined systems of Wunderlich and Farry.

As noted above, Wunderlich, Farry (and Banker) individually and in combination, do not disclose or suggest a processor having control software “to compile, group or count said program requests.”

In contrast to Wunderlich and Farry, claim 17 recites a processor having control software “to compile, group or count said program requests.” Accordingly, claim 17 is patentable.

#### **Claims 11 – 16, 18 and 19**

Claims 11 – 16 depend from patentable claim 10, and claims 18 and 19 depend from patentable claim 17. For these reasons and the additional features they recite, claims 11 – 16, 18 and 19 are patentable.

#### **Claim 20**

Regarding claim 20, the Office Action states that its features are “met by the combined systems of Wunderlich, Farry and Banker as described in the rejection of claim 1.” The Office Action apparently equates Banker’s “time windows” with counting a period of time. In reality, what Banker discloses is use of program offsets, so that, for example, a same program may have four different start times within an hour, each start time spaced apart by 15 minutes. A subscriber begins viewing the program at the first available start time. See column 11, lines 22-42. Nowhere does Banker disclose or suggest counting a period of time, receiving additional requests until the period of time expires, and then authorizing viewing. Wunderlich and Farry do nothing to cure this defect in Banker.

Similar to at least claim 17, claim 20 recites processing comprising counting a period of time, receiving additional requests until the period of time expires, and authorizing viewing of requested programs after the period of time expires. Since this feature is not disclosed or suggested by Wunderlich, Farry and Banker, individually and in combination, claim 20 is patentable.

#### **Claims 23 and 24**

Claims 23 and 24 depend from patentable claim 20, and for this reason and the additional features they recite, claims 23 and 24 are patentable.

#### **Claim 25**

Regarding claim 25, the Office Action asserts that the combined systems of Wunderlich, Farry, and Banker disclose all that is claimed.

Claim 25 includes the steps of authorizing viewing or delivery of a requested program, counting a period of time, receiving additional requests until the time period expires, and authorizing viewing or delivery of the requested program after the time period expires. As noted above with respect to claim 20, this feature is not disclosed or suggested by Wunderlich, Farry, and Banker, individually and in combination. Accordingly, claim 25 is patentable.

#### **Claim 26**

Regarding claim 26, the Office Action asserts that “the claimed receipt of authorization for a preview channel is met by Banker as noted above in response to claim 20 (particularly col. 9: 46-48).”

First, the rejection of claim 20 does not address use of an authorization code to allow tuning to a preview channel. Furthermore, claim 20 does not recite this feature.

Second, Banker’s system uses “3 bytes indicating frequency on which the on screen darker channels may be viewed to see the preview.” See column 9, lines 46-48. These “3 bytes” are not the same as Banker’s “authorization codes... for descrambling the scrambled programs,” nor are the Farry’s “authorization component.” In short, neither Farry’s nor Banker’s “authorization codes/components” enable a set top terminal to receive a preview in conjunction with a requested program.

In contrast to Farry and Banker (and Wunderlich), claim 26 recites the first authorization code enables the set top terminals to receive a preview in conjunction with the requested program. Since this feature is not disclosed or suggested by Wunderlich, Farry, and Banker, individually and in combination, claim 26 is patentable. In addition, claim 26 depends from patentable claim 9, and for this reason, claim 26 is also patentable.

In view of the above amendments and Remarks, Applicants respectfully request withdrawal of the rejections of claims 1 – 21 and 23 – 26 under 35 U.S.C. § 103.

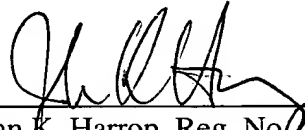
#### **CONCLUSION**

For at least the reasons set forth above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, caused by this filing to Deposit Account Number 50-2849.

Respectfully submitted,



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